

REMARKS

The present application is a continuation of U.S. Patent Application No. 10/394,858, filed March 21, 2003. The claims are 22-41, with claim 22 being the sole independent claim. Support for the present claims is found throughout the specification and originally filed claims, including page 1; page 2, paragraphs 1-9; page 6, paragraphs 3-8; and page 8. No new matter is added.

For the avoidance of doubt, Applicants note that, as set forth in the specification, "5-[4-[2-(N-methyl-N-(2-pyridyl)amino)ethoxy]benzyl]thiazolidine-2,4-dione" (or "Compound (I)") may exist in one of several tautomeric forms, as individual tautomeric forms or as mixtures thereof, all of which are encompassed by the terms "Compound (I)" or "5-[4-[2-(N-methyl-N-(2-pyridyl)amino)ethoxy]benzyl]thiazolidine-2,4-dione" or "the compound". Furthermore, 5-[4-[2-(N-methyl-N-(2-pyridyl)amino)ethoxy]benzyl]thiazolidine-2,4-dione contains a chiral atom, and therefore can exist in up to two stereoisomeric forms. The term "5-[4-[2-(N-methyl-N-(2-pyridyl)amino)ethoxy]benzyl]thiazolidine-2,4-dione" (or "Compound (I)") of "the compound" also encompasses all of these isomeric forms, whether as individual isomers or as mixtures of isomers, including racemates. See the specification at page 2, paragraphs 10 and 11. Accordingly, when reference is made to "Compound (I)", or to "5-[4-[2-(N-methyl-N-(2-pyridyl)amino)ethoxy]benzyl]thiazolidine-2,4-dione", or to "5-[4-[2-(N-methyl-N-(2-pyridyl)amino)ethoxy]benzyl]thiazolidine-2,4-dione, or a tautomer thereof", or to "the compound", all tautomeric and isomeric forms of the compound are intended to be encompassed.

Additionally for the avoidance of doubt, as set forth in the specification, when reference is made to scalar amounts, including mg amounts and % weight amounts, of "5-[4-[2-(N-methyl-N-(2-pyridyl)amino)ethoxy]benzyl]thiazolidine-2,4-dione, or a tautomer thereof, in a pharmaceutically acceptable form", the scalar amount referred to is made in respect of 5-[4-[2-(N-methyl-N-(2-pyridyl)amino)ethoxy]benzyl]thiazolidine-2,4-dione per se: for example, 2 mg of Compound (I), or 5-[4-[2-(N-methyl-N-(2-pyridyl)amino)ethoxy]benzyl]thiazolidine-2,4-dione, in the form of the maleate salt is that amount of maleate salt which contains 2 mg of 5-[4-[2-(N-methyl-N-(2-pyridyl)amino)ethoxy]benzyl]thiazolidine-2,4-dione (not: 2 mg of 5-[4-[2-(N-methyl-N-(2-pyridyl)amino)ethoxy]benzyl]thiazolidine-2,4-dione maleate salt). See the specification, page 3, paragraph 5.

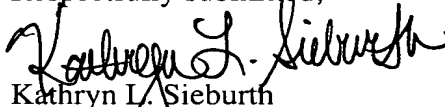
Accordingly, the insulin sensitizer used in present invention, 5-[4-[2-(N-methyl-N-(2-pyridyl)amino)ethoxy]benzyl]thiazolidine-2,4-dione, can be administered in any pharmaceutically acceptable form (for example, as the free base or as a salt or as a solvate or as a solvate of a salt, etc.),

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however, the amount of sensitizer administered is based upon the weight of 5-[4-[2-(N-methyl-N-(2-pyridyl)amino)ethoxy]benzyl]thiazolidine-2,4-dione in the pharmaceutically acceptable form (e.g., the molecular weight of 5-[4-[2-(N-methyl-N-(2-pyridyl)amino)ethoxy]benzyl]thiazolidine-2,4-dione maleate is 473.52 g/m, whereas the molecular weight of 5-[4-[2-(N-methyl-N-(2-pyridyl)amino)ethoxy]benzyl]thiazolidine-2,4-dione is 357.44 g/m).

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Respectfully submitted,



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